

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

KATHY PILKINTON

V.

HERITAGE HOSPICE OF
TEXARKANA, LLC D/B/A
HERITAGE HOSPICE

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CASE NO. 2:17-CV-519- JRG

DOCKET CONTROL ORDER

In accordance with the scheduling conference held in this case, it is hereby ORDERED that the following schedule of deadlines is in effect until further order of this Court:

TBD by the Court depending on the outcome of Motion to Decertify and Dispositive Motions)	Jury Selection 9:00 a.m. in Marshall, Texas before Judge Rodney Gilstrap
TBD	Pretrial Conference – _____ a.m/p.m. in Marshall, Texas before Judge Rodney Gilstrap
TBD	Joint Pretrial Order, Joint Proposed Jury Instructions and Joint Form of the Verdict
TBD	<p>Motions <i>in Limine</i></p> <p>The parties are ordered to meet and confer on their respective motions <i>in limine</i> and advise the Court of any agreements in this regard by 1:00 p.m. three business days before the pretrial conference. The parties shall limit their motions <i>in limine</i> to those issues which, if improperly introduced into the trial of the case would be so prejudicial that the Court could not alleviate the prejudice with appropriate instruction(s).</p>

TBD	Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings. If a daily transcript or real time reporting of court proceedings is requested for trial, the party making said request shall file a notice with the Court and e-mail the Court Reporter, Shelly Holmes, at shelly_holmes@txed.uscourts.gov.
TBD	Deadline to file Response to Motion to Decertify and Dispositive/ <i>Daubert</i> Motions
TBD	Defendant to Identify Trial Witnesses
TBD	Plaintiff to Identify Trial Witnesses
TBD	Deadline to file Motion to Decertify and Dispositive/ <i>Daubert</i> Motions
TBD	Complete Mediation The parties shall attempt to jointly select a mediator, and notify the Court of their selection by filing a Notice of Designation of Mediation. If the parties are unable to reach agreement, they may notify the Court. The mediator shall be deemed to have agreed to the terms of Court-Annexed Mediation Plan in the Local Civil Rules.
TBD	Discovery Deadline
TBD	Rebuttal Expert Designations
TBD1	Parties with Burden of Proof to Designate Experts
February 20, 2018	Hearing on Motion for Notice, 1:30 p.m., before Judge Rodney Gilstrap
January 8, 2018	Deadline to File Response to Motion for Notice

¹ Within fourteen (14) days of the Court's order resolving any Motion for Notice of Potential Plaintiffs, the parties are directed to meet and confer and to file a joint proposed amended scheduling order.

November 30, 2017	Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).
November 24, 2017	Deadline to File Motion for Notice to Potential Plaintiffs

OTHER LIMITATIONS

1. All depositions to be read into evidence as part of the parties' case-in-chief shall be **EDITED** so as to exclude all unnecessary, repetitious, and irrelevant testimony; **ONLY** those portions which are relevant to the issues in controversy shall be read into evidence.
2. The Court will refuse to entertain any motion to compel discovery filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. *See* Local Rule CV-7(h).
3. The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
 - (a) The fact that there are motions for summary judgment or motions to dismiss pending;
 - (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
 - (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.
4. Mediation shall be attended, in person, by named parties (if an individual) or by a fully authorized representative (if not an individual) and by lead counsel. Third party insurance carriers who may be obligated to indemnify a named party and/or who owe a defense to any party shall also attend mediation, in person, by means of a fully authorized representative. Non-compliance with these directives shall be considered an intentional failure to mediate in good faith.
5. Any motion to alter any date on the DCO shall take the form of motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and the proposed changes to each date in an additional adjacent column (if there is no change for a date the proposed date column should remain blank or indicate that it is unchanged). In

other words, the DCO in the proposed order should be complete such that one can clearly see all the remaining deadlines and the changes, if any, to those deadlines, rather than needing to also refer to an earlier version of the DCO.

So ORDERED and SIGNED this 22nd day of September, 2017.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE